

REFERENCE TITLE: wildfire protection; fuel; private property

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2350

Introduced by
Representatives Mason, Ableser, Chabin, Pancrazi, Patterson: Farley,
Goodale, Jones, McLain

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-268.01; AMENDING SECTION 11-861, ARIZONA REVISED STATUTES; RELATING TO WILDFIRE PROTECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 11, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 11-268.01, to read:

4 11-268.01. Wildfire protection: defensible space; definition

5 A. THE BOARD OF SUPERVISORS SHALL COMPEL THE OWNER OR LESSEE OF
6 PROPERTY LOCATED IN THE UNINCORPORATED AREAS OF THE COUNTY TO ESTABLISH AND
7 MAINTAIN DEFENSIBLE SPACE AROUND THE OWNER'S OR LESSEE'S PROPERTY PURSUANT TO
8 THE WILDLAND-URBAN INTERFACE CODE ADOPTED PURSUANT TO SECTION 11-861.

9 B. FOR THE PURPOSES OF THIS SECTION, "DEFENSIBLE SPACE" MEANS A
10 DEFINED AREA BETWEEN AN IMPROVED PROPERTY AND A POTENTIAL WILDLAND FIRE WHERE
11 COMBUSTIBLE MATERIALS AND VEGETATION HAVE BEEN REMOVED OR MODIFIED TO REDUCE
12 THE POTENTIAL FOR FIRE ON THE IMPROVED PROPERTY.

13 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to read:

14 11-861. Adoption of codes by reference; limitations; method of
15 adoption

16 A. In any county ~~which~~ THAT has adopted zoning pursuant to this
17 chapter, the board of supervisors may adopt and enforce, for the
18 unincorporated areas of the county so zoned, a building code and other
19 related codes to regulate the quality, type of material and workmanship of
20 all aspects of construction of buildings or structures, except that the board
21 may authorize that areas zoned rural or unclassified may be exempt from the
22 provisions of the code adopted. Such codes may be adopted by reference after
23 notice and hearings before the county planning and zoning commission and
24 board of supervisors as provided in this chapter for amendments to the zoning
25 ordinance of the county.

26 B. The board of supervisors may adopt a fire prevention code in the
27 unincorporated areas of the county in which a fire district has not adopted
~~the uniform~~ A NATIONALLY RECOGNIZED fire code pursuant to section 48-805.
28 Any fire code adopted by a board of supervisors pursuant to this subsection
29 shall remain in effect until a fire district is established and adopts a code
30 applicable within the boundaries of the district.

31 C. For the purpose of this article, codes authorized by subsections A
32 and B of this section shall be limited to the following:

33 1. Any building, electrical, plumbing,— or mechanical code that has
34 been adopted by any national organization or association that is organized
35 and conducted for the purpose of developing codes or that has been adopted by
36 the largest city in that county. If the board of supervisors adopts a city
37 code, it shall adopt, within ninety days after receiving a written
38 notification of a change to the city code, the same change or shall terminate
39 the adopted city code.

40 2. Any fire prevention code that has been adopted by a national
41 organization or association organized or conducted for the purpose of
42 developing fire prevention codes and that is as stringent as the state fire
43 code adopted pursuant to section 41-2146.

1 D. The board of supervisors ~~may~~ SHALL adopt a current wildland-urban
2 interface code. The code may be adapted from a model code adopted by a
3 national or international organization or association for mitigating the
4 hazard to life and property. The board must follow written public procedures
5 in the development and adoption of the code and any revisions to the code to
6 provide effective, early and continuous public participation through:
7 1. The broad dissemination and publicity of the proposed code and any
8 revisions to the code.
9 2. The opportunity for submission and consideration of written public
10 comments.
11 3. Open discussions, communications programs and information services.
12 4. Consultation with federal agencies and state and local officials.